

SENATE BILL No. 642

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-2; IC 36-8-3.

Synopsis: Insurance coverage for police reserve officers. Requires a city, a town, and a county to provide life, accident, and sickness insurance for the unit's police reserve officers. Requires (rather than allows) a police reserve officer to be covered by the medical treatment and burial expense provisions of the worker's compensation law and the worker's occupational diseases law. Provides that the insurance policy must provide a weekly benefit for total disability of not less than \$250 for a maximum of 260 weeks. Provides that a unit's insurance policy must pay a police reserve officer not less than \$150,000 if the officer becomes totally and permanently disabled for a continuous period of not less than 260 weeks as a result of an injury that occurred
(Continued next page)

Effective: January 1, 2000.

Meeks R, Meeks C

January 22, 1999, read first time and referred to Committee on Pensions and Labor.



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Digest Continued

in the performance of the officer's duties. Provides that a policy of insurance purchased by a unit may provide for: (1) the extension of the weekly benefit amount for total disability after the expiration of 260 weeks for the life of the officer with or without the benefits for partial and permanent disability; and (2) the coordination of the officer's other benefits where a disability prevents a member from performing any reasonable employment.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 642

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2000]: Sec. 2. For the purposes of this
3 chapter, and unless the context clearly denotes otherwise, the following
4 definitions apply throughout this chapter:
5 (1) "Law enforcement officer" shall mean an appointed officer or
6 employee hired by and on the payroll of the state or any of its
7 political subdivisions who is granted statutory authority to enforce
8 all or some of the penal laws of the state of Indiana and who
9 possesses, with respect to those laws, the power to effect arrests
10 for offenses committed in the officer's or employee's presence.
11 However, the following are hereby expressly excluded from the
12 term "law enforcement officer" for the purposes of this chapter:
13 (A) A constable.
14 (B) A special officer, including a special officer receiving only
15 token payment for services.



(C) A county police reserve officer who receives compensation for lake patrol duties under ~~IC 36-8-3-20(f)(4)~~.
IC 36-8-3-20(f)(3).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(2) "Board" shall mean the law enforcement training board created by this chapter.

(3) "Advisory council" shall mean the law enforcement advisory council created by this chapter.

SECTION 2. IC 36-8-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 20. (a) This section applies to counties and towns as well as cities.

(b) A unit may provide by ordinance for any number of police reserve officers.

(c) Police reserve officers shall be appointed by the same authority that appoints regular members of the department.

(d) Police reserve officers may be designated by another name specified by ordinance.

(e) Police reserve officers may not be members of the regular police department but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of police reserve officers.

(f) To the extent that money is appropriated for a purpose listed in this subsection, police reserve officers may receive any of the following:

(1) A uniform allowance.

(2) Compensation for time lost from other employment because of court appearances.

~~(3) Insurance for life, accident, and sickness coverage.~~

~~(4) (3)~~ In the case of county police reserve officers, compensation for lake patrol duties that the county sheriff assigns and approves for compensation.

(g) A unit shall provide to police reserve officers insurance for life, accident, and sickness coverage.

~~(g)~~ (h) Police reserve officers are not eligible to participate in any pension program provided for regular members of the department.

~~(h)~~ (i) A police reserve officer may not be appointed until he has completed the training and probationary period specified by rules of the department.

~~(i)~~ (j) A police reserve officer appointed by the department after June 30, 1993, may not:

(1) make an arrest;



(2) conduct a search or a seizure of a person or property; or
 (3) carry a firearm;
 unless the police reserve officer successfully completes a pre-basic course under IC 5-2-1-9(f).

~~(j)~~ **(k)** A police reserve officer ~~may~~ **shall** be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-6 and IC 22-3-7 shall be used to determine the issue.

~~(k)~~ **(l)** A police reserve officer carrying out lake patrol duties under this chapter is immune from liability under IC 34-30-12, notwithstanding the payment of compensation to the officer.

SECTION 3. IC 36-8-3-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 22. Each policy of insurance described in section 20(g) of this chapter must provide for payment to a police reserve officer for accidental injury caused by or occurring in the course of the performance of the duties of a police reserve officer as follows:**

(1) For total disability that prevents the police reserve officer from pursuing the officer's usual vocation, a weekly indemnity of not less than two hundred fifty dollars (\$250) for a maximum of two hundred sixty (260) weeks.

(2) For medical expenses, coverage for incurred expenses. However, the policy may not have medical expense limits of less than seventy-five thousand dollars (\$75,000).

SECTION 4. IC 36-8-3-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 23. (a) The policy of insurance described in section 20(g) of this chapter must provide for:**

(1) the payment of a sum of not less than one hundred fifty thousand dollars (\$150,000) to the beneficiary, beneficiaries, or estate of a police reserve officer if the officer dies from an injury occurring while in the performance of the officer's duties as a police reserve officer;

(2) the payment of a sum of not less than one hundred fifty thousand dollars (\$150,000) to the police reserve officer if the officer becomes totally and permanently disabled for a continuous period of not less than two hundred sixty (260) weeks as a result of an injury occurring in the performance of the officer's duties as a police reserve officer; and



1 (3) indemnification to a police reserve officer who becomes
2 partially and permanently disabled or impaired as a result of
3 an injury occurring in the performance of the officer's duties.

4 (b) For purposes of this section, partial and permanent
5 disability or impairment shall be indemnified as a percentage
6 factor of a whole person.

7 (c) The policy of insurance may provide for:

8 (1) the extension of the benefit amount described in subsection
9 (a)(2) after the expiration of two hundred sixty (260) weeks,
10 for the life of the officer, with or without the benefits
11 described in subsection (a)(3); and

12 (2) the coordination of the officer's other benefits;
13 if a disability prevents an officer from performing any reasonable
14 employment.

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